

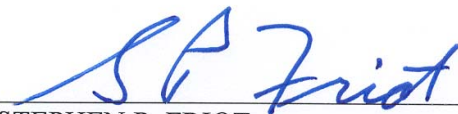
**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

FREDERICK GRAY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-11-1446-F
)	
GREGORY T. RITTER, et al.,)	
)	
Defendants.)	

ORDER

Magistrate Judge Shon T. Erwin's Report and Recommendation of September 25, 2012, recommends denial of plaintiff's motion for default judgment (affidavit construed as a motion). Report at doc. no. 23, motion at doc. no. 22. Plaintiff has objected to the Report, and the court has reviewed all objected to matters de novo. After review, the court concludes that it agrees with the recommendations contained in the Report. The court also notes that on October 1, 2012, defense counsel entered an appearance and moved to dismiss this action. Accordingly, defendants have responded to the complaint and are not in default. The Report and Recommendation is **ACCEPTED, ADOPTED** and **AFFIRMED**, and plaintiff's motion for default judgment is **DENIED**. This action remains referred to the magistrate judge per the terms of the original referral.

Dated this 24th day of October, 2012.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE